

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KENNETH PESNELL,

Plaintiff,

-v-

VIACOM INTERNATIONAL, INC. and  
SPHERION, INC.

Defendants.

-and-

VIACOM INTERNATIONAL, INC.,

Defendant/Third-party plaintiff,

-v-

EN POINTE TECHNOLOGIES SALES, INC,

Third-party Defendant.

**ECF CASE**

Case No: 07-CV-9523 (RMB)

**MOTION TO STRIKE THIRD-PARTY  
COMPLAINT**

The plaintiff, pursuant to Rule 14 (a)(4), respectfully moves the Court to strike Defendant Viacom's Third-party complaint because binding precedent from the Supreme Court and this Circuit bars a Title VII defendant from asserting a claim for indemnification or contribution.

A memorandum of law in support of this motion has been contemporaneously filed with the court.

Dated: New York, New York  
May 12, 2008

Respectfully submitted,

By: 

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